

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act relating to the duties and authority of the state board
2 of education, the department of education, and local school
3 districts and to the programs and activities under the
4 purview of the state board and the department.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, subsection 15, Code 2016, is
2 amended by striking the subsection.

3 Sec. 2. Section 256.9, subsections 26, 27, 36, 40, 54, and
4 59, Code 2016, are amended by striking the subsections.

5 Sec. 3. Section 257.1, subsection 2, paragraph c, Code 2016,
6 is amended by striking the paragraph.

7 Sec. 4. Section 257.14, subsections 1 and 2, Code 2016, are
8 amended to read as follows:

9 1. For the budget year commencing July 1, 2001 2016, ~~if the~~
10 ~~department of management determines that the regular program~~
11 ~~district cost of and succeeding budget years,~~ a school district
12 ~~for a budget year is less than the total of the regular program~~
13 ~~district cost plus any adjustment added under this section for~~
14 ~~the base year for that school district, the school district~~
15 ~~shall be eligible to receive for a budget adjustment for that~~
16 ~~district for that budget year up to in an amount equal to the~~
17 ~~difference between the regular program district cost for the~~
18 ~~budget year and one hundred one percent of the regular program~~
19 ~~district cost for the base year. The board of directors of~~
20 ~~a school district that wishes to receive a budget adjustment~~
21 ~~pursuant to this subsection shall, notwithstanding the public~~
22 ~~notice and hearing provisions of chapter 24 or any other~~
23 ~~provision to the contrary, within thirty days following May 9,~~
24 ~~2001, adopt a resolution to receive the budget adjustment and~~
25 ~~immediately notify the department of management of the adoption~~
26 ~~of the resolution and the amount of the budget adjustment to~~
27 ~~be received.~~

28 2. ~~For the budget years commencing July 1, 2002, and July~~
29 ~~1, 2003, if the department of management determines that the~~
30 ~~regular program district cost of a school district for a budget~~
31 ~~year is less than the total of the regular program district~~
32 ~~cost plus any adjustment added under this section for the~~
33 ~~base year for that school district, the school district shall~~
34 ~~be eligible to receive a budget adjustment for that district~~
35 ~~for that budget year up to an amount equal to the difference.~~

1 The board of directors of a school district that wishes to
2 receive a budget adjustment for a budget year pursuant to this
3 ~~subsection~~ section shall adopt by May 15 of the base year for
4 which the budget adjustment is sought, a resolution to receive
5 the budget adjustment ~~by May 15, annually,~~ and shall notify the
6 department of management of the adoption of the resolution and
7 the amount of the budget adjustment to be received.

8 Sec. 5. Section 257.14, subsection 3, Code 2016, is amended
9 by striking the subsection.

10 Sec. 6. Section 279.38A, subsection 2, Code 2016, is amended
11 to read as follows:

12 2. Each board that pays membership dues to an organization
13 in accordance with this section shall annually report to the
14 local community ~~and to the department of education~~ the amount
15 the board pays in annual dues to the organization, the amount
16 of any fees paid and revenue or dividend payments received for
17 services the board receives from the organization, and the
18 products or services the school district received inclusive
19 with membership in the organization. ~~If the organization~~
20 ~~administers federal education grants on behalf of school~~
21 ~~districts or distributes federal education grant funds to~~
22 ~~school districts, the organization shall submit to the general~~
23 ~~assembly copies of all reports the organization provides to the~~
24 ~~United States department of education, on the date on which~~
25 ~~each such report is provided to the United States department~~
26 ~~of education, relating to federal grants and grant amounts~~
27 ~~that the organization administers for or distributes to school~~
28 ~~districts.~~ The governing board of the organization is subject
29 to chapters 21 and 22 relating to open meetings and public
30 records.

31 Sec. 7. Section 282.8, Code 2016, is amended to read as
32 follows:

33 **282.8 Attending school outside state.**

34 1. The boards of directors of school districts located
35 near the state boundaries may designate schools of equivalent

1 standing across the state line for attendance of both
2 elementary and ~~high~~ secondary school pupils when the public
3 school in the adjoining state is nearer than any appropriate
4 public school in a pupil's district of residence or in Iowa.
5 Distance shall be measured by the nearest traveled public
6 road. Arrangements shall be subject to reciprocal agreements
7 made between the chief state school officers of the respective
8 states. Notwithstanding section 282.1, arrangements between
9 districts pursuant to the reciprocal agreements made under
10 this section shall establish tuition and transportation
11 fees in an amount acceptable to the affected boards, but the
12 ~~tuition and transportation fees~~ fee established shall not be
13 less than the lower ~~average cost per pupil of the tuition~~
14 fee established pursuant to section 282.24 for the school
15 district or the equivalent tuition rate for the non-Iowa school
16 district for the previous school year, and the transportation
17 fee established shall not be less than the lower average
18 transportation cost per mile for yellow school buses as
19 described in section 321.373 for the previous school year of
20 the two affected school districts. For the purpose of this
21 ~~section average cost per pupil for the previous school year is~~
22 ~~determined by dividing the district's operating expenditures~~
23 ~~for the previous school year by the number of children enrolled~~
24 ~~in the district in the previous school year on the date~~
25 ~~specified in section 257.6, subsection 1.~~ The agreement shall
26 provide that if the tuition fee for the school district in
27 the adjoining state is a variable rate, the test of which
28 tuition fee is lower shall be determined for each student by
29 the affected boards.

30 2. A person attending school in another state pursuant
31 to this section shall continue to be treated as a pupil of
32 the district of residence in the apportionment of the current
33 ~~school fund and the payment of state aid~~ for state school
34 foundation aid purposes under section 257.6.

35 3. Notwithstanding the tuition provisions of subsection

1 1, the tuition fee established for a child requiring special
2 education under chapter 256B shall be equal to the actual cost
3 of the special education instructional program provided to that
4 child under the child's individualized education program.

5 4. If the chief state school officers of the respective
6 states have not entered into a reciprocal agreement under this
7 section, or the agreement has expired or been terminated, or
8 the distance to the public school in the adjoining state is
9 not nearer than an appropriate public school in the pupil's
10 district of residence or an appropriate public school in
11 Iowa, the pupil attending school outside the state shall be
12 considered a nonresident child for purposes of tuition payments
13 to the receiving district and shall not be treated as a pupil
14 of the district of residence for state school foundation aid
15 purposes under section 257.6.

16 5. The whole grade sharing provisions of sections 282.10
17 through 282.12 and the open enrollment provisions of section
18 282.18 shall not apply to agreements made between districts
19 under this section.

20 Sec. 8. Section 282.10, subsection 4, Code 2016, is amended
21 to read as follows:

22 4. A whole grade sharing agreement shall be signed by the
23 boards of the districts involved in the agreement not later
24 than February 1 of the school year preceding the school year
25 for which the agreement is to take effect. The boards of
26 the districts shall negotiate as part of the new or existing
27 agreement the disposition of funding provided under chapter 284
28 except for the following:

29 a. Funding for the beginning teacher mentoring and induction
30 programs pursuant to section 284.13, subsection 1, paragraph
31 "b".

32 b. The teacher leadership supplement state cost per pupil as
33 provided in section 257.9, unless all of the districts subject
34 to the agreement are receiving such funding.

35 c. Teacher leadership supplemental aid payments as provided

1 in section 284.13, subsection 1, paragraph "e", unless all
2 of the districts subject to the agreement are receiving such
3 payments. This paragraph "c" is repealed June 30, 2018.

4 Sec. 9. Section 282.12, subsection 4, Code 2016, is amended
5 to read as follows:

6 4. The number of pupils participating in a whole grade
7 sharing agreement shall be determined on the date specified in
8 section 257.6, subsection 1, and on the ~~third~~ second Friday of
9 ~~February~~ January of each year.

10 Sec. 10. Section 282.18, subsection 7, Code 2016, is amended
11 to read as follows:

12 7. A pupil participating in open enrollment shall be
13 counted, for state school foundation aid purposes, in the
14 pupil's district of residence. A pupil's residence, for
15 purposes of this section, means a residence under section
16 282.1. The board of directors of the district of residence
17 shall pay to the receiving district the sum of the state
18 cost per pupil for the previous school year, and plus either
19 the teacher leadership supplement state cost per pupil for
20 the previous fiscal year as provided in section 257.9, or
21 the teacher leadership supplement foundation aid for the
22 previous fiscal year as provided in section 284.13, subsection
23 1, paragraph "e", if both the district of residence and the
24 receiving district are receiving such supplements, plus any
25 moneys received for the pupil as a result of the non-English
26 speaking weighting under section 280.4, subsection 3, for the
27 previous school year multiplied by the state cost per pupil
28 for the previous year. If the pupil participating in open
29 enrollment is also an eligible pupil under section 261E.6, the
30 receiving district shall pay the tuition reimbursement amount
31 to an eligible postsecondary institution as provided in section
32 261E.7.

33 Sec. 11. Section 282.18, subsection 9, paragraph c, Code
34 2016, is amended to read as follows:

35 c. ~~Quarterly payments~~ The receiving district shall bill the

1 first resident district according to the timeline in section
2 282.20, subsection 3. Payments shall be made to the receiving
3 district in a timely manner.

4 Sec. 12. Section 282.24, subsection 1, paragraph a, Code
5 2016, is amended to read as follows:

6 a. The maximum tuition fee that may be charged for
7 elementary and high secondary school students residing
8 within another school district or corporation except students
9 attending school in another district under section 282.7,
10 subsection 1 or 3, is the district cost per pupil of the
11 receiving district as computed in section 257.10.

12 Sec. 13. Section 282.24, subsection 2, Code 2016, is amended
13 by striking the subsection.

14 Sec. 14. Section 284.12, Code 2016, is amended to read as
15 follows:

16 **284.12 Reports — rules Rules.**

17 ~~1. The department shall annually report the statewide~~
18 ~~progress on the following:~~

19 ~~a. Student achievement scores in mathematics and reading at~~
20 ~~the fourth and eighth grade levels on a district-by-district~~
21 ~~basis as reported to the local communities pursuant to section~~
22 ~~256.7, subsection 21, paragraph "c".~~

23 ~~b. Evaluator training program.~~

24 ~~c. Changes and improvements in the evaluation of teachers~~
25 ~~under the Iowa teaching standards.~~

26 ~~2. The report shall be made available to the chairpersons~~
27 ~~and ranking members of the senate and house committees on~~
28 ~~education, the deans of the colleges of education at approved~~
29 ~~practitioner preparation institutions in this state, the~~
30 ~~state board, the governor, and school districts by January 1.~~
31 ~~School districts shall provide information as required by the~~
32 ~~department for the compilation of the report and for accounting~~
33 ~~and auditing purposes.~~

34 ~~3. In developing administrative rules for consideration by~~
35 ~~the state board, the department shall consult with stakeholders~~

1 who might reasonably be affected by the proposed rule,
2 including persons representing teachers, administrators, school
3 boards, approved practitioner preparation institutions, and
4 other appropriate education stakeholders.

5 Sec. 15. Section 284.15, subsection 6, paragraphs a and c,
6 Code 2016, are amended to read as follows:

7 a. A school district may apply to the department for
8 approval to implement the career paths, leadership roles,
9 and compensation framework specified in subsection 2, or
10 a comparable system of career paths and compensation for
11 teachers that contains differentiated multiple leadership
12 roles. The director shall consider the recommendations of the
13 commission established pursuant to subsection 12 when approving
14 or disapproving applications submitted pursuant to this
15 section. A school district may modify an approved framework or
16 comparable system if the director or the director's designee
17 approves the modification. A school district may appeal the
18 director's or the director's designee's decision to the state
19 board and the state board's decision is final.

20 c. A school district approved to implement the framework or
21 a comparable system pursuant to this subsection shall submit to
22 the ~~department~~ director or the director's designee for approval
23 any proposed ~~change~~ modification to the framework or comparable
24 system.

25 Sec. 16. REPEAL. Sections 256.19, 279.55, 279.56, and
26 279.57, Code 2016, are repealed.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill makes statutory changes affecting the duties and
31 authority of the state board of education and the department of
32 education, repeals certain programs, eliminates certain reports
33 by and to the department, and modifies or eliminates provisions
34 relating to certain programs and activities under the purview
35 of the state board and the department.

1 CERTAIN DIRECTOR'S DUTIES STRICKEN. The bill strikes from
2 Code section 256.9, which provides for the duties of the
3 director of the department of education, provisions which
4 require the director to cause to be printed in book form, every
5 four years, all school laws in force and any amendments or
6 changes in school laws, along with other information which may
7 aid school officers; to develop a model written publications
8 code for the regulation of time, place, and manner of student
9 expression; and to submit to the general assembly an annual
10 report regarding the activities, findings, and student progress
11 under the core curriculum, as well as an annual report on the
12 necessity of waiving statutory obligations for school districts
13 in the event of a disaster.

14 BUDGET ADJUSTMENT LANGUAGE. The bill amends Code sections
15 257.1 and 257.14 to strike obsolete transition language
16 relating to the budget adjustments for school districts.

17 MEMBERSHIP IN ORGANIZATIONS BY SCHOOL DISTRICT OFFICIALS —
18 REPORTING. The bill strikes language which requires school
19 board members and administrators who pay membership dues to
20 certain local, regional, and national organizations to annually
21 report to the department of education the amount the school
22 board pays in dues and fees, and the products or services the
23 school district received inclusive with membership in the
24 organization. The bill also strikes a reporting requirement
25 for those organizations that administer federal education
26 grants on behalf of school districts or distribute federal
27 education grant funds to school districts.

28 ATTENDING SCHOOL OUTSIDE THE STATE. Code section 282.8
29 authorizes the boards of directors of school districts located
30 near the state boundaries to designate schools of equivalent
31 standing across the state line for attendance of pupils, to
32 establish reciprocal agreements between such districts, and
33 to establish tuition and transportation fees in an amount
34 acceptable to the affected boards. Currently, Code section
35 282.8 provides that tuition and transportation fees shall not

1 be less than the lower average cost per pupil for the previous
2 school year of the two affected school districts.

3 The bill amends Code section 282.8 to establish that the
4 tuition fee for students not requiring special education shall
5 not be less than the lower of the tuition fee established
6 pursuant to Code section 282.24 for students attending school
7 outside the district of residence or the equivalent tuition
8 rate for the non-Iowa school district for the previous school
9 year, and the transportation fee established shall not be
10 less than the lower average cost per mile for yellow school
11 buses for the previous school year of the two affected school
12 districts. The bill also provides that if the tuition fee for
13 the school district in the adjoining state is a variable rate,
14 the test of which tuition fee is lower shall be determined for
15 each student by the affected boards. For students requiring
16 special education, the bill provides that the tuition fee
17 shall be equal to the actual cost of the special education
18 instructional program provided to that child under the child's
19 individualized education program.

20 If there is no agreement between districts or the agreement
21 has expired or been terminated, or if the distance requirements
22 are not met, the bill provides that a student attending school
23 in the other state shall be treated as a nonresident for
24 purposes of tuition payments to the receiving district or
25 for purposes of establishing enrollment for purposes of the
26 school aid formula. The bill further establishes that an
27 agreement reached under Code section 282.8 does not qualify as
28 a whole grade sharing agreement, and, also, the open enrollment
29 provisions of Code section 282.18 do not apply to such an
30 agreement.

31 TERMINOLOGY CHANGES. Code sections 282.8 and 282.24 are
32 amended to replace references to "elementary and high school"
33 with the term "elementary and secondary school". Definitions
34 for junior high school and high school are also stricken from
35 Code section 282.24.

1 WHOLE GRADE SHARING AGREEMENTS. Whole grade sharing
2 is a procedure used by school districts in which all or a
3 substantial portion of the pupils in any grade in two or
4 more school districts share an educational program for all
5 or a substantial portion of a school day under a written
6 agreement. Currently, the boards of the school districts
7 participating in the agreement must negotiate, as part of
8 the new or existing agreement, the disposition of funding
9 provided under Code chapter 284, the student achievement and
10 teacher quality program. The bill provides exemptions from
11 the disposition negotiation requirement relating to beginning
12 teacher mentoring and induction funds; the teacher leadership
13 supplement state cost per pupil, unless all of the districts
14 subject to the agreement are receiving such funding; and the
15 teacher leadership supplemental aid payments, unless all
16 districts subject to the agreement are receiving such funding.
17 Because the funding for the teacher leadership supplemental aid
18 payments is scheduled to end with the 2016-2017 fiscal year,
19 the bill repeals the relevant provision June 30, 2018.

20 The bill also changes, from the third Friday of February to
21 the second Friday of January of each year, the second of two
22 dates used to determine the number of pupils participating in a
23 whole grade sharing agreement.

24 OPEN ENROLLMENT PAYMENTS. In addition to other statutory
25 requirements for open enrollment payments, the bill provides
26 that the board of directors of the district of residence must
27 pay to the receiving district either the teacher leadership
28 supplement state cost per pupil for the previous fiscal year,
29 or the teacher leadership supplement foundation aid for the
30 previous fiscal year, if both the district of residence and
31 the receiving district are receiving such supplements. Such a
32 limitation currently exists in Code section 284.13, subsection
33 1, paragraph "e", regarding the teacher leadership supplement
34 foundation aid. Currently, the district of residence must pay
35 to the receiving district the teacher leadership supplement

1 state cost per pupil for the previous fiscal year whether
2 or not both districts are receiving the teacher leadership
3 supplement state cost per pupil.

4 Currently, when a child who is participating in open
5 enrollment moves to a different school district during the
6 academic year, the first district of residence must make
7 quarterly payments to the receiving district for the remainder
8 of the year. Under the bill, the receiving district must bill
9 the first district of residence biannually, and the district of
10 residence must make payments in a timely manner.

11 STATEWIDE PROGRESS REPORTS. Currently, the department of
12 education must make an annual report to the general assembly
13 on statewide progress in student achievement on mathematics
14 and reading at the fourth and eighth grades, on the evaluator
15 training program, and on changes and improvements in teacher
16 evaluations. The bill eliminates that reporting requirement.

17 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM. Currently,
18 in developing administrative rules for consideration by the
19 state board of education, the department must consult with
20 persons representing teachers, administrators, school boards,
21 approved practitioner preparation institutions, and other
22 appropriate education stakeholders. The bill provides that the
23 department must consult stakeholders when those stakeholders
24 might reasonably be affected by the proposed rule.

25 APPROVAL OF FRAMEWORK OR COMPARABLE SYSTEM BY DIRECTOR. The
26 bill authorizes the director of the department of education
27 to authorize a designee to approve modifications to a school
28 district's approved framework for Iowa teacher career paths,
29 leadership roles, and compensation or to an approved comparable
30 system submitted by the school district, and allows the
31 school district to appeal the designee's decision to the
32 state board of education. Currently, school districts must
33 submit proposals for modifications to approved frameworks or
34 comparable systems to the director, and the director's decision
35 may be appealed to the state board. The bill also allows the

1 proposals for modification to frameworks and comparable systems
2 to be submitted to the director's designee.

3 REPEALS. The bill repeals the following:

4 1. PILOT PROJECTS TO IMPROVE INSTRUCTIONAL PROGRAMS. When
5 first enacted in 1987, the provision was part of a program
6 to offer incentives to school districts that established
7 pilot projects to utilize a modified block schedule for
8 offering classes in the districts and sharing the certificated
9 instructional personnel. Implementation by the department
10 of education is dependent on whether the general assembly
11 appropriates funding for the pilot projects.

12 2. TEACHER EXCHANGE PROGRAM. The teacher exchange program
13 was enacted in 1991, contingent on an appropriation of moneys
14 by the general assembly, to permit school districts to exchange
15 licensed instructional personnel with other districts in order
16 to promote the exchange and enhancement of instructional
17 methods and materials and encourage the educational development
18 of Iowa's teachers.